

RECEIVED  
CENTRAL FAX CENTER  
NOV 19 2007

MARTIN & FERRARO, LLP  
ATTORNEYS AT LAW  
1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632

Telephone  
(330) 877-0700

Facsimile  
(330) 877-2030

---

**FACSIMILE TRANSMITTAL**

---

**TO:**

**Name:** Mail Stop AMENDMENT  
Group Art Unit 3772/Examiner Michael Brown

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 571-273-8300

**Subject:** U.S. Patent Application No. 09/605,001

Gary Karlin Michelson

Filed: June 27, 2000

APPARATUS AND METHOD OF INSERTING

SPINAL IMPLANTS

Attorney Docket No. 101.0044-04000

Customer No. 22882

Confirmation No.: 5171

**FROM:**

**Name:** Thomas H. Martin, Esq.

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 53

**Date:** November 19, 2007

**Confirmation Copy to Follow:** NO

---

**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Information Disclosure Statement Under 37 C.F.R. § 1.97(c) and Form PTO/SB/08 with 1 document (total amount of \$180.00 to cover the IDS fee is to be charged to Deposit Account No. 50-3726) are being facsimile transmitted to the U.S. Patent and Trademark Office on November 19, 2007.

  
Sandra L. Blackmon

If there is a problem with this transmission please call the sender at the number above.

---

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

RECEIVED  
CENTRAL FAX CENTER

NOV 19 2007

PATENT  
Attorney Docket No. 101.0044-04000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No. 5171
Gary Karlin Michelson	)	
Serial No.: 09/605,001	)	Group Art Unit: 3772
Filed: June 27, 2000	)	Examiner: M. Brown
For: APPARATUS AND METHOD OF	)	
INSERTING SPINAL IMPLANTS	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the requisite fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-3726.

A copy of the non-U.S. patent document is enclosed herewith.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

11/20/2007 PCHURP 00000013 503726 09605001  
01 FC:1306 180.00 DA

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: November 19, 2007

By: 

Thomas H. Martin

Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartsville, Ohio 44632  
Telephone: (330) 877-0700  
Facsimile: (330) 877-2030